

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

No. CR 05-0731 WHA

Plaintiff,

v.

ANDRE GLASER,

Defendant.

**PROCEDURE FOR JURY
SELECTION IN CRIMINAL CASE
(12 PETIT AND 2 ALTERNATE
JURORS)**


The following procedure shall be used for jury selection absent an objection beforehand.

1. Excuse all with flu, bronchitis, cold, or otherwise ill.
2. Introduce lawyers and parties. Read witness names and indictment and/or case summary.
3. Call forward 32 and seat in order called. The priority of each juror is determined by the seat. Position number 1 is the seat in the jury box closest to the court reporter, for example. Seat 14 is the one in the jury box farthest from the court reporter. Nos. 15 through 32 are in sequence along the first row within the well area, left to right as viewed from the bench.
4. Voir dire the 32. As candidates (among the 32) are excused, replace them by calling forward prospective jurors from back of courtroom;

- 1 replacements take the number priority of the vacant seat. (Thus, for
2 example, a later-called candidate can assume seat priority number 1.)
- 3 5. After 32 prospective jurors are passed for cause and/or for whom cause
4 challenges are overruled, the peremptory challenges shall be exercised in
5 the sequence on the strike sheet. The prospective jurors will be on break
6 during this process (usually 30 to 45 minutes).
- 7 6. All *eighteen* (16 and 2) petit-juror plus alternate challenges are exercisable
8 against any of the 32 in any order.
- 9 7. The full peremptory-strike process ends after all *eighteen* challenges or
10 upon two consecutive passes. A pass constitutes a waiver of that
11 peremptory, *i.e.*, use or lose the challenge. If there are two consecutive
12 passes (*i.e.*, by both sides in succession), then all selection is completed.
13 On a turn when the defense has two strikes, a single strike with a pass
14 shall be recorded as a strike in the first blank and a pass in the second
15 blank. Then if the government immediately passes, then all selection is
16 over.
- 17 8. The final petit jury shall be the twelve candidates with the lowest seat
18 numbers left unchallenged. The two alternates shall be the next two
19 lowest by seat number.
- 20 9. The twelve are sworn in as the main jury.
- 21 10. The two are sworn in as the alternates.
- 22 11. Alternates will be sworn in as petit jurors, as needed during the trial, in the
23 order of their seat priority during the selection process.

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25 **IT IS SO ORDERED.**

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27 Dated: February 13, 2006.

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WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

United States District Court
For the Northern District of California

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